



May 22, 2007

SUBJECT: Resolution Calling for General Municipal Election For Council Seats 4, 5, 6 and 7 and Special Municipal Election for Proposed Charter Amendments, on a Consolidated November 6, 2007 Ballot

REPORT IN BRIEF

A. General Municipal Election

City Council Seats 4, 5, 6 and 7 have councilmembers completing their four-year terms in 2007, and the City is required to schedule a General Municipal Election to fill those seats. This Report to Council requests Council approval of the Resolution calling the General Municipal Election on November 6, 2007, consolidating the election with the state and county elections, and requesting the services of the Santa Clara County Registrar of Voters for the election.

B. Special Municipal Election

The Sunnyvale City Charter is the "Constitution" for the City and provides the legal guidelines for the form and function of its government. First adopted by the voters in 1949, the Charter requires periodic review to determine if any changes are advisable. On June 13, 2006, the City Council approved the formation of an *Ad Hoc* Charter Review Committee ("Committee") to review and make recommendations on amending the City of Sunnyvale Charter. The City last convened a Charter Review Committee in 1991.

The City Council, on July 18, 2006, appointed fifteen members to the Committee and identified seven Charter issues as priorities for the Committee to review and make a recommendation on. Additionally, the City Council authorized the Committee to identify other Charter issues for review and recommendation and to provide the opportunity for public input on changes to the Charter.

The Committee first convened on August 30, 2006, and met twice a month over the next seven months. The Committee scheduled two public hearings (February 15, 2007 and March 15, 2007) to provide opportunity for public input and comment on the Charter and proposed amendments. The Committee completed its review and recommendations for the seven priority issues identified by the City Council, and also provided review and

recommendations on four additional substantive Charter issues and ten procedural or “housekeeping” changes to update the Charter. The Committee presented its Final Report and Recommendations to the City Council on April 10, 2007.

After receiving the Final Report and Recommendations, the City Council discussed and voted on which recommendations to place on the November 2007 ballot. Having received that direction, staff is returning to Council with the resolution to call the Special Municipal Election and ballot language for the November 2007 Charter amendments.

BACKGROUND

Sunnyvale City Charter Section 1400 provides that there shall be a General Municipal Election to fill elective offices in odd-numbered years. Council seats 4, 5, 6 and 7 are up for election in 2007. The City is required to adopt a resolution calling for the General Municipal Election on November 6, 2007. Since the state and county will also be having an election on that date, it is most cost-efficient to request consolidation with the state and county elections and to use the services of the Santa Clara County Registrar of Voters for the election.

Cities in California are either “general law” or “charter” cities. General law cities have only those powers granted by state statute to cities. Article XI of the California Constitution authorizes the adoption of a city charter by the majority vote of a city’s electorate. If adopted, the charter serves as the city’s constitution and a blueprint for city government and ordinances. A city charter includes guidelines for the city’s form of government, city council terms and districts, election and campaign procedures, and city departments.

The City of Sunnyvale adopted its City Charter in 1949, and it has been amended fourteen times since its adoption. The voters last amended the Sunnyvale City Charter in 2005, and modified the terms for Board and Commission members and clarified the authority of the Heritage Preservation Commission.

The California Constitution establishes the requirements for both adoption and amendment of a city charter. The Sunnyvale City Council can, by a majority vote, put proposed Sunnyvale City Charter changes on the ballot for voter approval. The City Council appointed the 2006-2007 *Ad Hoc* Charter Review Committee to assist the Council in reviewing the Charter and to make recommendations to the Council on what Charter amendments to place on the ballot. The *Ad Hoc* Charter Review Committee does not have the legal authority of a Charter Review Commission elected by the voters to independently place measures on the ballot and serves as an advisory body to the City Council.

The Committee commenced its' work on August 30, 2006, and met twelve times between September 2006, and April 2007, to review, discuss and agree on recommendations for the Charter. Each meeting involved spirited and thorough discussion of both sides of the Charter issues and multiple viewpoints were expressed and analyzed for all Charter amendments. The Committee held two advertised public hearings on February 15, and March 15, 2007, and several members of the public attended and commented on both the Committee's proposed Charter amendments and new Charter issues for the Committee's consideration.

EXISTING POLICY

Charter Section 1400 establishes the requirement of a General Municipal Election for elective offices in odd-numbered years.

The City's other existing Charter policies are established by the current Charter. If Charter amendments are placed on the ballot and approved by a majority of the voters, the City policies would be set by the new Charter language for each of the amended Charter sections.

DISCUSSION

After receipt of the Committee's Final Report and Recommendations, the City Council decided at the April 10, 2007, meeting which of the Committee's recommended changes to the Charter to place on the ballot.¹ The Charter issues that Council voted to place on the November 2007 ballot are as follows:

1. **Council Term Limits—Section 602:** No change to the two successive term limit for Councilmembers, but adding a limit of eight years in a twelve-year period (not including an unexpired term of less than two years).
2. **Boards and Commissions—Section 1002 (Appointments. Qualifications):** Clarification to specify that a member of a board or commission cannot serve more than two successive terms without a break.
3. **Boards and Commissions - Section 1002 (Appointments. Qualifications):** Additional language to enable a member of a board or commission to serve on a different board or commission after his or her resignation prior to the expiration of his or her term, with Council approval.

¹ The resolutions and ballot measures need to be filed with the Registrar of Voters no later than August 10, 2007.

4. **Boards and Commissions—Section 1003 (Terms):** Clarification to specify members of "all" boards and commissions may serve no more than two successive terms on the same board or commission.
5. **Boards and Commissions—Section 1007 (Personnel Board):** Deletion of the prohibition that individuals cannot serve on the Personnel Board if they are officers in any local, state, or national partisan political club, or organization and addition that if the two employee-nominated members of the Personnel Board are not nominated and elected within six months of when there is a vacancy for an employee-nominated member on the Personnel Board, the City Council may fill such vacancy(s) by direct appointment.
6. **Boards and Commissions—Section 1012 (Parks and Recreation Commission. Powers and Duties) and Section 1014 (Board of Library Trustees. Powers and Duties):** Deletion of the budget review provisions for the Library Board and the Parks and Recreation Commission because new language is being added under City Manager-Section 802 (Powers and Duties) that provides for budget review and recommendation by all boards and commissions.
7. **Maternity and Paternity Leave for Births and Adoptions—Section 603 (Compensation):** Addition of language that acknowledges the City Council's ability to permit additional excused leave days, by resolution, beyond the four days personal leave currently permitted, and that such leave may be paid or unpaid as determined by the Council.
8. **Two-Year Mayoral Term Instead of One Year—Section 605 (Presiding Officer. Mayor):** Changing the language to a two-year mayoral term instead of the current one-year mayoral term. The Vice-Mayor's term shall continue to be a one-year term.
9. **Selection of Mayor and Vice Mayor – Section 606 (Presiding Officer. Mayor) and Section 606 (Vice Mayor):** Changing the language so that the Mayor and Vice Mayor are selected at the first regular meeting in December.
10. **City Manager Appointment – Section 800 (Appointment):** deletion of the residency requirement for the City Manager that is in conflict with the California State Constitution and add language to encourage the City Manager to reside in the City of Sunnyvale.
11. **Budget and Submission to City Council – Section 1302 (Budget. Submission to City Council):** add language that requires a budget, balanced for a minimum of ten (10) years, that includes level of service information, historical financial trend data, and charts for ease of understanding.

12. **Budget Appropriations – Section 1305 (Budget Appropriations):** add language that provides approved appropriations for Capital Improvement Projects will not lapse at the end of the fiscal year unless completed, closed out, or Council takes action to modify.
13. **“Housekeeping” Charter amendments to correct grammatical errors, reflect current practice, or to incorporate current technology:**
 - (1) **City Council Election Certification Date – Sections 601 (Term and Election):** Certification of the election results at the first meeting in December after the certification of the vote canvass by the Santa Clara County Registrar of Voters.
 - (2) **Place of Meetings – Section 610 (Place of Meetings):** Reflect current practice of having study sessions and closed sessions in locations other than City Council Chambers; and provide for closed sessions.
 - (3) **Election of Councilmembers – Section 612 (Election and Qualification of Councilmembers):** The City Council shall "certify" election returns instead of "judge" election returns.
 - (4) **Proceedings and City Clerk – Section 613 (Proceedings):** Provide that the City Council can "sanction" instead of "punish" members and other persons for disorderly conduct; reflect current practice and management structure so that the City Clerk is appointed by and reports to the City Manager; clarify that the City Clerk is responsible for publication, but reports to the City Manager; include publication on the Internet or other appropriate new technologies as they become available; and allow for discretionary, instead of mandatory, publication in a newspaper provided the legal posting requirements are otherwise met.
 - (5) **Ordinances and Legal Notices Publication – Sections 703 (Ordinances. Publication) and 708 (Publishing of Legal Notices):** Add Internet or other appropriate technology posting for ordinances.
 - (6) **City Manager Powers and Duties – Section 802 (Powers and Duties); subsection (2):** Require a budget review by the Commissions with budget review authority
 - (7) **City Manager Rules and Regulations – Section 803 (Rules and Regulations):** Correction of a grammatical error.
 - (8) **Manager Pro Tempore – Section 804 (Manager Pro Tempore):** Clarify that the City Manager should appoint a manager pro tempore only when the absence or disability of the City Manager exceeds two weeks.

- (9) **Removal of City Manager – Section 806 (Removal of City Manager):** Clarify that the City Manager can be removed with or without cause.
- (10) **City Clerk Powers and Duties – Section 903 (City Clerk. Powers and Duties):** Clarify that the City Clerk is appointed and supervised by the City Manager.
- (11) **Removal of the City Attorney – Section 903 (City Attorney):** Clarify that the City Attorney can be removed with or without cause; allow City Attorney to provide advice in electronic format, when appropriate; and clarify that City employees cannot retain outside counsel for City business without the approval and supervision of the City Attorney.
- (12) **Public Works Contracts – Section 1309 (Contracts on Public Works):** Specify that the lowest bidder must be both "responsive" and "responsible" instead of just "responsible."

FISCAL IMPACT

The City will be consolidating its general and special election with the state and county elections on November 6, 2007. The fiscal impact will be the incremental cost of placing the Charter measures on the ballot. The total cost depends on the number of Charter ballot measures and the number of other jurisdictions also placing ballot measures on the November 6, 2007 ballot. The estimate from the Registrar of Voters ranges from \$555,978 to \$609,656 for the costs of the Council seats and ballot measures with 9 measures. Actual costs could be higher or lower, depending on whether other jurisdictions share the special election costs.

CONCLUSION

On April 10, 2007, the City Council reviewed and discussed the recommendations of the 2006-07 *Ad Hoc* Charter Review Committee and voted to proceed with placing a number of the recommendations, as identified above, on the November 2007 ballot. This RTC with the attached resolution is the next step in placing these Charter amendments on the ballot.

PUBLIC CONTACT

Public contact was made through posting of the Council agenda on the City's official notice bulletin board, posting of the agenda and report on the City's Web page, and the availability of the report in the Library and the City Clerk's Office.

ALTERNATIVES

1. Move to approve the Resolution calling a General Municipal Election for the election of councilmembers, and calling a Special Municipal Election for the purpose of submitting to the voters measures concerning amendments to the City Charter, to be placed on the ballot at the consolidated election to be held in the City of Sunnyvale on November 6, 2007, and requesting election consolidation and the services of the Santa Clara County Registrar of Voters.
2. Move to approve the Resolution, as modified.
3. Do not approve the Resolution calling a General Municipal Election for the election of Councilmembers, and calling a Special Municipal Election for the purpose of submitting to the voters measures concerning amendments to the City Charter, to be placed on the ballot at the consolidated election to be held in the City of Sunnyvale on November 6, 2007, and requesting election consolidation and the services of the Santa Clara County Registrar of Voters.

RECOMMENDATION

Staff recommends Alternative 1, move to approve the Resolution calling a General Municipal Election for the election of Councilmembers, and calling a Special Municipal Election for the purpose of submitting to the voters measures concerning amendments to the City Charter, to be placed on the ballot at the consolidated election to be held in the City of Sunnyvale on November 6, 2007, and requesting election consolidation and the services of the Santa Clara County Registrar of Voters.

Prepared by:

David E. Kahn, City Attorney

Attachments

Attachment 1 – Resolution calling a General Municipal Election for the election of Councilmembers, and calling a Special Municipal Election for the purpose of submitting to the voters measures concerning amendments to the City Charter, to be placed on the ballot at the consolidated election to be held in the City of Sunnyvale on November 6, 2007, and requesting election consolidation and the services of the Santa Clara County Registrar of Voters.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CALLING A GENERAL MUNICIPAL ELECTION FOR THE ELECTION OF COUNCILMEMBERS; AND CALLING A SPECIAL MUNICIPAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE VOTERS TEN MEASURES CONCERNING AMENDMENTS TO THE CITY CHARTER, TO BE PLACED ON THE BALLOT AT THE CONSOLIDATED ELECTION TO BE HELD IN THE CITY OF SUNNYVALE ON NOVEMBER 6, 2007, REQUESTING ELECTION CONSOLIDATION AND THE SERVICES OF THE REGISTRAR OF VOTERS

WHEREAS, Article XIV, Section 1400 of the Charter of the City of Sunnyvale requires that a General Municipal Election to fill elective offices be held in the odd-numbered years on the date established by general law for the election of governing members of elementary school districts, and Section 1401 of the Charter recognizes all other municipal elections as Special Municipal Elections; and

WHEREAS, an election may be ordered to be held in other political subdivisions on the same day, in the same territory, or in territory that is part of the same; and

WHEREAS, the City Council is interested in submitting to the voters ten measures concerning amendments to the City Charter; and

WHEREAS, whenever two or more elections of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, such elections may be either completely or partially consolidated pursuant to Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, and Section 5342 of the Education Code; and

WHEREAS, Elections Code Section 10002 empowers the City Council to request the assistance of the County Registrar of Voters to provide election services to the City and the City Council intends to call a General and Special Municipal Election on November 6, 2007, and for the consolidation of that election;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. GENERAL MUNICIPAL ELECTION. Pursuant to Section 1400 of the City Charter of the City of Sunnyvale, a General Municipal Election is called to be held in and for the City of Sunnyvale on Tuesday, November 6, 2007, for the purpose of electing four councilmembers, each for a full term of four years, one to the office of "Councilmember Seat No. 4," one to the office of "Councilmember Seat No. 5," one to the office of "Councilmember Seat No. 6," and one to the office of "Councilmember Seat No. 7."

2. **SPECIAL ELECTION.** A Special Municipal Election hereby is called to be held in and for the City of Sunnyvale on Tuesday, November 6, 2007, for the purpose of submitting the below-designated measures to the voters of the City. The City Council orders that the Special Municipal Election be consolidated and combined with the General Municipal Election called for the same date.

3. **MEASURES.** The City Council hereby submits to the voters of the City of Sunnyvale, and orders to be placed on the ballot, at the Special Municipal Election called for November 6, 2007, the following measures:

A. CITY OF SUNNYVALE CHARTER MEASURE ____

Shall Charter Section 602 be amended to limit a Councilmember to serving eight years in any twelve-year period, not including appointment to an unexpired term of less than two years?

YES _____

NO _____

B. CITY OF SUNNYVALE CHARTER MEASURE ____

Shall Charter Sections 1002 and 1003 be amended to clarify that a board or commission member can serve two terms on the same board or commission without a break, can serve on a different board or commission prior to expiration of his/her term with Council approval, and to clarify members of all boards and commissions may serve two successive terms?

YES _____

NO _____

C. CITY OF SUNNYVALE CHARTER MEASURE ____

Shall Charter Section 1007 be amended to delete the prohibition against officers in any local, state or national partisan political organization from serving on the Personnel Board and add a provision that if the two employee-nominated members of the Personnel Board are not nominated and elected within six months of a vacancy then the City Council may fill the vacancies by direct appointment?

YES _____

NO _____

D. CITY OF SUNNYVALE CHARTER MEASURE ____

Shall Charter Sections 802, 1012 and 1014 be amended to add new language that provides for budget review and recommendations by all boards and commissions and to delete the budget review provisions limited to only the Library Board and Parks and Recreation Commission?

YES _____

NO _____

E. CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Section 603 be amended to allow the City Council to permit, by resolution, additional excused leave beyond the four personal leave days currently permitted, and to determine whether any additional excused leave days will be paid or unpaid leave?

YES _____

NO _____

F. CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Sections 605 and 606 be amended to select the mayor and vice mayor at the first regular meeting in December and to change the term of the mayor from one year to two years?

YES _____

NO _____

G. CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Section 800 be amended to add language that strongly encourages the City Manager to reside in the City of Sunnyvale and to remove the City Manager residency requirement that is in conflict with the State Constitution?

YES _____

NO _____

H. CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Sections 1302 and 1305 be amended to add language that requires the annual submission of a ten-year balanced budget that includes level of service information, historical financial trend data, and charts for ease of understanding the budget and provides that approved appropriations for capital improvement projects will not lapse at the end of the fiscal year, unless completed, closed out or Council takes action to modify?

YES _____

NO _____

I. CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Sections 601, 610, 612, 613, 703 and 708 be amended to delete outdated material, and to provide for certification of election results after the official County canvass, to reflect current practice of study sessions and closed sessions in locations other than Council Chambers, to certify instead of judge election returns, to provide for sanctions for disorderly conduct, to clarify that the city clerk reports to the city manager, and to allow for publication on the Internet or other new technology?

YES _____

NO _____

J. CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Sections 803, 804, 806, 903, 908 and 1309 be amended to delete outdated material and to correct a grammatical error, clarify that a City Manager pro tem is appointed for an absence or disability of the City Manager of more than two weeks, clarify that the City Manager and City Attorney can be removed with or without cause, clarify that the City Clerk is appointed by the City Manager, require City Attorney approval for hiring outside counsel to work on City business and specify that the lowest bidder for public works contracts must be both responsive and responsible?

YES _____

NO _____

4. **ADOPTION OF MEASURES.** In the event a majority of the electors voting on the Charter measures set forth above vote in favor thereof, the City Charter of the City of Sunnyvale shall be amended to read as set forth in Exhibit "A," attached hereto and incorporated herein, effective upon the date of filing. In the event the City Clerk or the Registrar of Voters is required to or does cause the publication or printing of the proposed amendments using distinguishing type styles to identify the proposed amendments, the Clerk or Registrar may authorize the use of any alternative distinguishing type style, such as italics, which is appropriate to the medium used for such publication or printing.

5. **DUTIES OF CITY CLERK.** The City Clerk hereby is directed to do all things required by law to effectuate the Special Municipal Election and to present the measures submitted herein to the electorate, including, but not limited to, required publications, postings, notices and filings. Further, the City Clerk is hereby directed to forward a copy of this Resolution to the City Attorney for preparation of an impartial analysis of the measures submitted.

6. **ARGUMENTS.** Arguments for and against may be filed consistent with Elections Code Section 9282, *et seq.* The City Council confirms that the provisions of Elections Code Section 9285 do not apply and that no rebuttal arguments shall be permitted.

7. **CONSOLIDATION OF ELECTIONS.** The City Council hereby orders that these General and Special Municipal Elections be consolidated with other Santa Clara County Consolidated and California statewide General Elections to be held on Tuesday, November 6, 2007. Furthermore, pursuant to Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, and Education Code Section 5342, the City Council hereby requests the governing body of any other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such elections, and to further provide that, upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by the Registrar of Voters of the County of Santa Clara or any body or official authorized by law to perform such functions and canvass the returns of the elections; and

that this City Council consents to such consolidation.

8. **CONTRACT WITH REGISTRAR.** Pursuant to Elections Code Section 10002, the City Council hereby requests the Board of Supervisors of the County of Santa Clara to permit the Registrar of Voters to render services to the City of Sunnyvale relating to the conduct of the General and Special Municipal Elections to be held on Tuesday, November 6, 2007. Services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections, including those certain services set forth herein. Subject to the approval of the Board of Supervisors of the foregoing requests, the City Clerk is hereby authorized to engage the services of the Registrar of Voters to aid in the conduct of the election. Further, the City Director of Finance is authorized and directed to pay the costs of services, provided that no payment shall be made for services which the Registrar of Voters is otherwise required by law to perform.

9. **LEVYING OF COSTS OF CANDIDATES' STATEMENTS.** Pursuant to Section 13307 of the Elections Code, the City Council determines to levy against each candidate availing himself or herself of the service of including a candidate's statement not to exceed two hundred (200) words in length in the voter's pamphlet, the actual pro-rated costs of printing, handling, translating and mailing the candidate's statement, if any, incurred by the City. It is estimated that the pro-rated costs of printing, handling, translating and mailing each candidate's statement filed pursuant to Section 13307 of the Elections Code will be approximately \$2,224.00. Candidates filing a statement shall pay in advance his/her pro-rated share. The provisions of this section are subject to the provisions of Chapter 2.28 of the Sunnyvale Municipal Code relating to in-lieu petitions. The City Clerk shall provide written notice to such effect with each set of nomination papers issued.

Candidates shall not be permitted to submit materials other than the candidate's statements with the sample ballot and the voter's pamphlet.

10. **HOURS.** The hours during which the polling places for the General and Special Municipal Elections shall be open shall be the hours established for the California statewide General Election.

11. **IMPARTIAL ANALYSIS BY CITY ATTORNEY.** Pursuant to Election Code Section 9280, the City Council hereby directs the City Attorney to prepare an impartial analysis of the measures.

12. **TRANSMITTAL OF RESOLUTION.** The City Clerk is hereby directed to submit forthwith a certified copy of this Resolution to the Board of Supervisors, to the Registrar of Voters, and to the County Clerk of the County of Santa Clara.

13. **EXEMPTION FROM CEQA.** The City Council finds, pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15378(a), that this resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt under the definition of Project in Section 15378(b)(3) in that it concerns general policy and procedure making. The Council therefore directs that a Notice of Exemption be filed with the Santa Clara County Clerk.

Adopted by the City Council at a regular meeting held on _____, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney

EXHIBIT 'A' TO RESOLUTION NO. _____

**PROPOSED AMENDMENTS TO THE
CITY CHARTER OF THE CITY OF SUNNYVALE**

The City Council of the City of Sunnyvale, on its own motion, submits to the electors the following amendments to the City Charter of the City of Sunnyvale. The City Council has called a Special Municipal Election to be held on Tuesday, November 6, 2007, for the purpose of voting on the City Charter amendments.

The proposed amendments to the City Charter of the City of Sunnyvale follows the statement of the measures. The provisions of the City Charter proposed to be deleted are printed as ~~strike-out~~ type, and the new provisions proposed to be added to the City Charter are printed as underlined type.

CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Section 602 be amended to limit a Councilmember to serving eight years in any twelve-year period, not including appointment to an unexpired term of less than two years?

YES _____
NO _____

If Measure _____ carries, the City Charter of the City of Sunnyvale, shall be amended by amending Section 602, of Article VI (The Council), to read as follows:

Section 602. Qualifications. No person shall be eligible to hold office as a member of the City Council unless he/she shall be a registered voter of the City at the time of his/her nomination or appointment.

No person shall be a candidate for more than one elective office.

No incumbent member of the Council shall be a candidate for a Council seat other than the one which that person then holds.

No person shall be eligible to serve as a member of the Council for more than two (2) successive four-year elective terms. Any person who has served two (2) successive four-year elective terms shall not serve again until at least four (4) years have passed since that person last held office. Any person who fills an unexpired term of not more than two years in length shall, however, be eligible to serve two (2) successive four-year terms after the expiration of the unexpired term which he/she filled. Any person who serves a four (4) year elective term and is either not re-elected or does not run for re-election for a second successive term is eligible to serve after two (2) years have passed since that person last held office as a councilmember but is not eligible to run for a second successive term. Any person may serve as a councilmember for eight (8) years in any twelve (12) year period, unless appointed to serve an unexpired term of less than two (2) years in length as provided in this section.

CITY OF SUNNYVALE CHARTER MEASURE_____

Shall Charter Sections 1002 and 1003 be amended to clarify that a board or commission member can serve two terms on the same board or commission without a break, can serve on a different board or commission prior to expiration of his/her term with Council approval, and to clarify members of all boards and commissions may serve two successive terms?

YES _____
NO _____

If Measure _____ carries, the City Charter of the City of Sunnyvale, shall be amended by amending Sections 1002 and 1003, of Article X (Appointive Boards and Commissions), to read as follows:

Section 1002. Appointments. Qualifications. Except as otherwise provided in this Article:

The members of each board or commission shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

No member of any board or commission shall be eligible to serve for more than two consecutive four-year terms nor shall such member be eligible for appointment to the same board or commission for two years after the expiration of the second full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall be eligible to serve two full four-year-~~term~~ terms upon the expiration of the unexpired term for which such person was appointed.

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term or resignation prior to completion of their term if appointed to a different board or commission, to serve on a different board or commission. The Council shall consider whether appointment of a person on a board or commission to serve on a different board or commission is in the best interest of the City.

Unless otherwise provided, the members first appointed to boards and commissions composed of four members shall so classify themselves by lot that each succeeding July 1st, the term of one of their number shall expire. If the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Section 1003. Terms. Except as otherwise provided in this Article, the members of such boards and commissions shall ~~serve for a term of four years and until their respective successors are appointed and qualified.~~

~~Members of the Planning Commission, the Personnel Board and the Board of Building Code Appeals created by the Sunnyvale Municipal Code or any successor body to the Board of Building Code Appeals, shall be eligible to serve no more than two successive terms on the same board or commission. For purposes of this section, terms are deemed successive if the commencement of~~

one term occurs less than two years from the expiration of the other. No person having served two such successive terms shall be eligible for appointment to that same board or commission for two years following expiration of the second successive full term for which the member was appointed and served. Any person appointed to any of said boards or commissions to fill an unexpired term of not more than two years in length shall, however, be eligible to serve two successive four-year terms on the same board or commission upon expiration of the unexpired term for which such person was appointed. However, two nonconsecutive full terms shall be deemed successive if the member served an unexpired term of less than two years between the full terms, unless two years passed between the commencement or expiration of the member's partial term and either of the full terms.

CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Section 1007 be amended to delete the prohibition against officers in any local, state or national partisan political organization from serving on the Personnel Board and add a provision that if the two employee-nominated members of the Personnel Board are not nominated and elected within six months of a vacancy, then the city Council may fill the vacancies by direct appointment?

YES _____
NO _____

If Measure _____ carries, the City Charter of the City of Sunnyvale, shall be amended by amending Section 1007, of Article X (Appointive Boards and Commissions), to read as follows:

Section 1007. Personnel Board. There shall be a Personnel Board consisting of five members to be appointed by the City Council. To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position ~~and shall not be an officer of any local, state, or national partisan political club or organization~~, nor be a former City employee.

The members of the Personnel Board shall be selected and appointed in the following manner: three of the members shall be appointed by the City Council directly. Two of the members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the Classified Service. If the employees in the Classified Service do not nominate one or more persons to fill a vacancy for the employee-nominated seats within six (6) months of written notification, the City Council may appoint the person directly to fill the vacancy.

The successor of any member of the Board shall be appointed in the same manner as such member was appointed.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board and said position shall be declared vacant by the City Council.

CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Sections 802, 1012 and 1014 be amended to add new language that provides for budget review and recommendations by all boards and commissions and to delete the budget review provisions limited to only the Library Board and Parks and Recreation Commission?

YES _____
NO _____

If Measure _____ carries, the City Charter of the City of Sunnyvale, shall be amended by amending Section 802, of Article VIII (City Manager) and Sections 1012 and 1014, of Article X (Appointive Boards and Commissions), to read as follows:

Section 802. Powers and Duties. The City Manager shall be the chief executive officer and the head of the administrative branch of the City government. He/she shall be responsible to the City Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he/she shall have power and shall be required to:

(1) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, except as otherwise provided by this Charter, and except as he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office;

(2) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption. City boards and commissions shall be given the opportunity to review the annual budget and make recommendations to the City Council;

(3) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(4) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him/her desirable;

(5) Make investigations into the affairs of this City, or any department or division thereof, or any contract, or the proper performance of any obligation running to the City;

(6) Submit to the City Council, at each meeting for its approval, the list of all claims and bills approved for payment by him/her; and

(7) Perform such other duties as may be prescribed by this Charter or required of him/her by the City Council, not inconsistent with this Charter.

Section 1012. Parks and Recreation Commission. Powers and Duties. The Parks and Recreation Commission shall have power to:

~~_____ (a) Act as~~ act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, playgrounds and entertainment; ~~and~~

~~_____ (b) Review the annual budget of the Parks and Recreation Department prepared by the City Manager, and make recommendations concerning the budget to the City Council.~~

Section 1014. Board of Library Trustees. Powers and Duties. The Board of Library Trustees shall have power to:

(a) Act in an advisory capacity to the City Council and City Librarian in all matters pertaining to the City Library; and

~~(b) Review the annual budget of the City Library prepared by the City Manager, and make recommendations concerning the budget to the City Council; and~~

~~(e)~~(b) Exercise such other functions as now or hereafter may be prescribed by the City Council and which do not conflict with the provisions of this Charter.

CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Section 603 be amended to allow the City Council to permit, by resolution, additional excused leave beyond the four personal leave days currently permitted, and to determine whether any additional excused leave days will be paid or unpaid leave?

YES _____
NO _____

If Measure _____ carries, the City Charter of the City of Sunnyvale, shall be amended by amending Section 603, of Article VI (The Council), to read as follows:

Section 603. Compensation. In addition to reimbursement for necessary traveling and other expenses actually incurred when on official duty in or out of the City on order of the City Council, each member of the City Council shall receive as salary, each month, that sum which has been established by the State Legislature for members of the city councils of general law cities having the population range within which the City of Sunnyvale falls, all as is specified in Government Code § 36515 as it now exists or may hereafter be amended to read, and the Mayor shall receive as salary, each month, a sum equal to 133-1/3% of that established herein for Councilmembers. In order to provide a cost of living adjustment, the salaries provided herein shall be increased annually, effective January 1 of each year, by the amount permitted for general law cities by Government Code § 36516(c), as it now exists or may hereafter be amended. If a member of the City Council does not attend all meetings of the City Council called on order of the City Council and held during the month, his/her salary for such month shall be reduced by the sum equivalent to 20% of the month's salary for each meeting not attended unless he/she is absent on official duty with the consent of or on order of the City Council or is granted an excused absence by the City Council, or unless he/she is on personal leave. A member of the City Council shall be permitted four (4) personal leave days per calendar year, and the City Council may permit additional days of excused leave as it may set from time to time by resolution. Any additional excused leave granted by resolution may be paid or unpaid at Council's discretion.

CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Sections 605 and 606 be amended to select the mayor and vice mayor at the first regular meeting in December and to change the term of the mayor from one year to two years?

YES _____
NO _____

If Measure _____ carries, the City Charter of the City of Sunnyvale, shall be amended by amending Sections 605 and 606, of Article VI (The Council), to read as follows:

Section 605. Presiding Officer. Mayor. ~~At the same meeting~~ first regular meeting in December at which the City Council certifies the election results following each General Municipal Election ~~at which the City Council certifies the election results, or the second regular meeting in November and first regular meeting in December~~ in even-numbered years, the City Council shall select one of its members as its presiding officer, who shall have the Title of Mayor. Such selection shall be by motion of the City Council. The Mayor shall have a voice and vote in all its proceedings. He/she shall be the official head of the City for all ceremonial purposes. He/she shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/her office. The Mayor shall serve in such capacity for a term of ~~one year~~ two (2) years from and after which the appointment is made, and until a successor is selected; provided, that a person can continue to serve in the capacity of Mayor only while that person remains as a member of the City Council. In the event of a vacancy in the office of Mayor, the City Council shall select one of its members to serve as Mayor for the remainder of the unexpired term.

The Mayor may be removed from such office prior to expiration of his/her term by a motion of the City Council adopted by the affirmative votes of at least five members of the City Council.

Section 606. Vice Mayor. ~~At the same meeting following each General Municipal Election at which the City Council certifies the election results, or the second regular meeting in November in even-numbered years, first regular meeting in December at which the City Council certifies the election results following each General Municipal Election, and the first regular meeting in December in even-numbered years,~~ the City Council shall also designate one of its members as Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability.

CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Section 800 be amended to add language that strongly encourages the City Manager to reside in the City of Sunnyvale and to remove the City Manager residency requirement that is in conflict with the State Constitution?

YES _____
NO _____

If Measure _____ carries, the City Charter of the City of Sunnyvale, shall be amended by amending Section 800, of Article VIII (City Manager), to read as follows:

Section 800. Appointment. The City Manager shall be chosen by the City Council on the basis of his/her executive and administrative qualifications, ~~but~~ and need not be a resident of the City or State at the time of his/her appointment, but he/she shall be encouraged to reside within the City during his/her tenure of office. No City Councilmember shall receive such an appointment during the term for which he/she shall have been elected, nor within two years thereafter.

CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Sections 1302 and 1305 be amended to add language that requires the annual submission of a ten-year balanced budget that includes level of service information, historical financial trend data, and charts for ease of understanding the budget and provides that approved appropriations for capital improvement projects will not lapse at the end of the fiscal year, unless completed, closed out or Council takes action to modify?

YES _____
NO _____

If Measure _____ carries, the City Charter of the City of Sunnyvale, shall be amended by amending Sections 1302 and 1305, of Article XIII (Fiscal Administration), to read as follows:

Section 1302. Budget. Submission to City Council. At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him/her. Said budget shall be a balanced 10-year budget, reflect a minimum of 10 years long-range financial planning, and include a multi-year operating and capital budget in accordance with the Fiscal Sub-Element of the City's General Plan. The budget shall depict planned City expenditures and revenues, as well as their relationship to the levels of service planned to be provided to the community. Financial efficiency and effectiveness measures shall be included, as well as historical trend data regarding past financial performances at the program budget level, at a minimum. The budget shall contain graphs/charts as appropriate to communicate both short-term and long-term impacts of the proposed budget to enable the Council to carry out its fiduciary responsibilities. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1305. Budget. Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or

lawfully encumbered. However, approved appropriations for Capital Improvement Projects shall not lapse at the end of the fiscal year unless the Capital Improvement Project has been completed and closed out or the City Council takes affirmative action to modify the budget appropriation for the Capital Improvement Project.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least four members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget.

CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Sections 601, 610, 612, 613, 703 and 708 be amended to delete outdated material, and to provide for certification of election results after the official County canvass, to reflect current practice of study sessions and closed sessions in locations other than Council Chambers, to certify instead of judge election returns, to provide for sanctions for disorderly conduct, to clarify that the city clerk reports to the city manager, and to allow for publication on the Internet or other new technology?

YES _____
NO _____

If Measure _____ carries, the City Charter of the City of Sunnyvale shall be amended by amending Sections 601, 610, 612 and 613, of Article VI (The Council), and Sections 703 and 708, of Article VII (Ordinances and Legal Notices), to read as follows:

Section 601. Term and Election. Each member of the City Council shall be elected from the City at large at the General Municipal Election for a term of four years. The term shall commence ~~as soon as~~ at the time the City Council certifies the election results ~~but in no event later than the first Tuesday at the first regular meeting~~ in December, and shall continue until a successor is elected and qualified.

The office of each member of the Council is a separate elective office to be separately filled at any election.

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that office.

Each Council seat shall be designated by a number from 1 through 7 and shall be known as "Councilmember Seat Number....." The designation given to each elective office shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to such office, and to designate the incumbent of such office.

Seats numbered 1, 2, and 3 shall be filled at the General Municipal Election held in 1977 and every fourth year thereafter. Seats numbered 4, 5, 6, and 7 shall be filled at the General Municipal Election held in 1979 and every fourth year thereafter.

Section 610. Place of Meetings. All meetings shall be convened in the Council Chambers of the City Hall or at such other location as has been legally noticed, but may be thereafter adjourned to such other location as may be selected by the City Council. All meetings of the City Council shall be open to the public; with the exception of closed sessions as authorized by law. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he/she should fail to act, by four members of the City Council.

Section 612. Election and Qualification of Council Members. The City Council shall judge the qualifications of its members as required by Section 602 of the Charter and shall ~~judge~~ certify all election returns.

Section 613. Proceedings. The City Council shall establish rules for the conduct of its proceedings and ~~punish any member or other person for disorderly conduct at any meetings~~ may sanction members or other persons for disorderly or improper conduct at any meeting. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

~~The City Council shall direct the City Clerk to~~ Clerk shall cause the publication, in a newspaper widely circulated within the ~~city~~ City, or on a City Website accessible through Internet or other appropriate technology, of items listed on the agenda prepared for regular meetings of the City Council which the ~~City Clerk~~ Manager shall deem of significance or of interest to the residents of Sunnyvale. Such publication or Internet distribution shall be in accordance with procedures which shall be established by ordinance of the City Council, and shall be designed to provide reasonable public notice in a manner which will permit current information to be disseminated widely within the ~~city~~ City. In addition, the City Clerk shall ~~be directed to~~ furnish the City Library with at least two (2) sets of packets containing materials in support of agenda items at the same time that such materials are made available to the members of the City Council; confidential or otherwise privileged materials shall be excluded therefrom. Nothing contained in this section shall prevent the City Council from taking action on any item not shown on such agenda, nor shall failure to comply with any provision of this section invalidate any action taken by the City Council.

~~The City Council shall cause the City Clerk to~~ Clerk shall keep an accurate record of all its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meeting. In any event, the City Clerk shall keep such records and shall make such entries into the minutes of the meetings necessary for publication or Internet distribution in accordance with the provisions set forth below.

~~The City Council shall direct the City Clerk to~~ Clerk shall cause the publication, or Internet distribution of the minutes of the regular and special meetings of the City Council or of the digest of those actions taken at such

meetings which the City ~~Clerk~~ Manager shall deem of significance or of interest to the residents of Sunnyvale, excepting therefrom matters which may not be disclosed as a result of recognized legal privileges. Such publication or Internet distribution shall be in accordance with the procedures established by ordinance, pursuant to this section, for the publication of the City Council agenda.

Such publication or Internet distribution shall occur within a reasonable time after such meetings. The minutes or the digest of the actions taken, as hereinabove described, shall include but not be limited to a description of the items of the agenda acted upon in sufficient detail to inform the public of the nature of the action taken, the vote on such items and the names of the members of the Council voting for or against each item. Absences, together with abstentions and the reasons therefor shall also be published.

Section 703. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once within fifteen (15) days after its adoption in accordance with procedures established by ordinance of the City Council for the publication of legal notices, or, as an alternative method of publication, the Council, in its discretion, may order copies of any ordinance to be posted in three (3) prominent places in the City and posted to the City Website using Internet or other appropriate technology, together with a single publication of a notice setting forth the date of adoption, the title of the ordinance and a list of the places where copies of such ordinance are posted.

Section 708. Publishing of Legal Notices. The City Council shall adopt, by ordinance, procedures for the publication of notices or other matter required, by law, to be published: Such procedures shall comply with such requirements of law as are binding upon chartered cities and, consistent with such laws, shall be designed to provide reasonable public notice, taking into consideration factors including, but not limited to, the desire to provide widespread dissemination of public notice, schedule of publication to ensure currency of notice, cost, and convenience. Such procedures may include alternative means of giving legal notice, such as posting, including posting to the City Website using Internet or other appropriate technology, where publication is not feasible and where such alternative methods are permitted by law. Such procedures may provide that failure to comply with the procedures shall not invalidate any action taken. Any reference in this Charter or any other provision of law to publication in the official newspaper shall be deemed satisfied by publication in accordance with the procedures established by ordinance pursuant to this section.

CITY OF SUNNYVALE CHARTER MEASURE _____

Shall Charter Sections 803, 804, 806, 903, 908 and 1309 be amended to delete outdated material and to correct a grammatical error, clarify that a City Manager pro tem is appointed for an absence or disability of the City Manager of more than two weeks, clarify that the City Manager and City Attorney can be removed with, or without cause, clarify that the City Clerk is appointed by the City Manager, require City Attorney approval for hiring outside counsel to work on City business, and specify that the lowest bidder must be both responsive and responsible?

YES _____
NO _____

If Measure _____ carries, the City Charter of the City of Sunnyvale, shall be amended by amending Sections 803, 804 and 806, of Article VIII (City Manager), and Sections 903 and 908, of Article IX (Officers and Employees), to read as follows:

Section 803. Rules and Regulations. The City Manager may prescribe such general rules and regulations as he/she may deem necessary or expedient for the general conduct of the administrative offices and departments of the City under his/her jurisdiction.

Section 804. Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the City Council, one of the other officers of the City to serve as Manager Pro Tempore during any ~~temporary~~ absence or disability of the City Manager for a period exceeding two (2) weeks.

Section 806. Removal of the City Manager. The City Council shall appoint the City Manager for an indefinite term and may remove him/her, with or without cause, by a majority vote of its members.

Section 903. City Clerk. Powers and Duties. The City Clerk shall ~~have the power and~~ be appointed by the City Manager and, subject to supervision and direction from the City Manager, be required to:

- (a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose;
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;
- (c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;
- (d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use;
- (e) Be the custodian of the seal of the City;
- (f) Administer oaths or affirmations, take affidavits, and depositions pertaining to the affairs and business of the City, and certify copies of official records; and
- (g) Have charge of all City elections.

Section 908. City Attorney. There shall be a City Attorney appointed by the City Council. The City Attorney shall serve at the pleasure of the City Council and may be removed, with or without cause, by motion of the City Council adopted by at least four affirmative votes. To become eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been

engaged in the practice of law for at least ~~three~~ seven years prior to his/her appointment. The City Attorney shall have power and be required to:

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;

(b) Represent and appear for the City, its Council, boards and commissions, in any or all legal actions or proceedings in which they or any of them are concerned or are a party.

Upon request of a current or former officer or employee of the City, defend such officer or employee in any legal action or proceeding brought against him/her, in his/her official or individual capacity, or both, on account of an act or omission in the scope of his/her employment as an officer or employee of the City, whenever the City is required by the General Laws of the State of California to provide such defense or whenever the Council elects to provide such defense even though not required to so do. Provided, however, that the City Attorney may refuse to provide such defense whenever, in his/her opinion, his/her providing such defense would conflict with his/her other duties or responsibilities, in which event the City, if required by the General Laws of the State of California to provide such defense or if it elects to provide such defense though not required by the General Laws to do so, shall provide other legal counsel for such purpose.

(c) Attend meetings of the City Council and give his/her advice or opinion in writing or appropriate electronic format whenever requested to do so by the City Council, or by any of the boards or officers of the City;

(d) Approve the form of all bonds given to and all contracts made by the City, endorsing his/her approval thereon in writing;

(e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;

(f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances;

(g) On vacating the office, surrender to his/her successor all books, papers, files and documents pertaining to the City's affairs;

(h) Perform such other legal functions and duties incident to the execution of the foregoing powers as may be necessary, and perform such other legal services as may be required by the City Council, or imposed by law.

The City Attorney shall have control of all legal business and proceedings and, subject to contracting requirements and budget constraints, may employ other attorneys, appraisers and other technical and expert services to assist with or to take charge of any litigation or matter. No City employee may retain or contract with outside legal counsel for City business without the prior approval and supervision of the City Attorney.

Section 1309. Contracts on Public Works. Every project involving an expenditure of more than an amount to be determined from time to time by ordinance of the City Council, for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, shall be let to the lowest responsive and responsible bidder after notice of publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, and after adoption of a resolution to this effect by at least four affirmative votes it may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency.

No advertising for bids or awarding of a contract based thereon shall be required when the improvement or work is to be furnished or performed by a public utility subject to the jurisdiction of the California Public Utilities Commission.